IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 30TH NOVEMBER 2007 / 9TH AGRAHAYANA 1929

WP(C).No. 8566 of 2004(T)

PETITIONER:

M. ABU SALI, AGED 59 YEARS,
S/O. MEERA SAHIB, SHAJI MANZIL,
CHINGELI, KADAKKAL, KOLLAM
(SECRETARY, GRAMA PANCHAYATH, PALLARIMANGALAM-RETIRED)

BY ADV. SRI. K.A. MANZOOR ALI

RESPONDENTS:
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1. **STATE OF KERALA REP.BY ITS SECRETARY TO REVENUE, GOVT.SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE JOINT DIRECTOR OF LOCAL FUND AUDIT, DISTRICT OFFICE, ERNAKULAM.**

3. **DIRECTOR OF LOCAL FUND AUDIT, THIRUVANANTHAPURAM.**

4. **THE DIRECTOR OF PANCHAYATH, THIRUVANANTHAPURAM.**

5. **THE SECRETARY, PALLARIMANGALAM GRAMA PANCHAYATH, PANCHAYATH OFFICE, PALLARIMANGALAM.**

BY GOVERNMENT PLEADER SRI. K.V. MANOJ.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 8566 of 2004(T)

A P P E N D I X

PETITIONER'S EXHIBITS:

EXT. P1	**:**	**COPY OF THE SURCHARGE NOTICE DT. 11.6.2003.**
EXT. P2	**:**	**COPY OF THE EXPLANATION DT. 31.7.2003 SUBMITTED BY THE PETITIONER.**
EXT. P3	**:**	**COPY OF THE SURCHARGE NOTICE STATED 29.1.04.**

// True Copy //

P.A. to Judge.

smp

KURIAN JOSEPH, J.

W.P.(C) NO. 8566 OF 2004

Dated this the 30th day of November, 2007.

J U D G M E N T

Petitioner, who retired from service on 31.08.1999, is aggrieved since he is fastened with liability as per Exhibit P3. It is seen that the proceedings have been issued only on 29.01.2004. It is now settled law that there should not be such fastening of liability after a period of three years of retirement, in view of the limitation under Note 3 to Rule 3 Part III of Kerala Service Rules. Therefore, the impugned proceedings are quashed.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp